

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTONIO REA, et al.,

Plaintiffs,

v.

Case No. 10-12718
Hon. Lawrence P. Zatkoff

CHASE HOME FINANCE, LLC et al.,

Defendants.

ORDER DENYING DEFENDANTS' MOTIONS TO DISMISS

This matter is before the Court on Defendants' Flagstar Bank, Wells Fargo Bank, First Horizon Home Loans, BAC Home Loan Lending, L.P., and Mortgage Electronic Registration Systems, Inc. Motions to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [dks 5, 25, 37, 38, & 39]. The parties have fully briefed the motions. The Court finds that the facts and legal arguments are adequately presented in the parties' papers such that the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. Mich. L.R. 7.1(f)(2), it is hereby ORDERED that the motions be resolved on the briefs submitted. For the reasons set forth below, Defendants' Motions to Dismiss [dks 5, 25, 37, 38, & 39] are DENIED as moot.

On January 10, 11, and 25, 2011, and February 9, 2011, the Court entered Plaintiffs' and Defendants' Flagstar Bank, Wells Fargo Bank, First Horizon Home Loans, Bank of America, NA., (misidentified as BAC Home Loan Lending, L.P.), and Mortgage Electronic Registration Systems, Inc. stipulated orders to dismiss such Defendants from this action [dks 51, 52, 53, & 54]. Because the Defendants that moved to dismiss Plaintiffs' action have been dismissed, the motions to dismiss are considered moot as they no longer serve as a means to provide judicial relief to the prevailing

party.

Accordingly, IT IS HEREBY ORDERED that Defendants' Flagstar Bank, Wells Fargo Bank, First Horizon Home Loans, BAC Home Loan Lending, L.P., and Mortgage Electronic Registration Systems, Inc. Motions to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) [dks 5, 25, 37, 38, & 39] are DENIED as moot.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 16, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 16, 2011.

S/Marie E. Verlinde

Case Manager

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